

AMENDMENTS TO THE CLAIMS:

1. (Cancelled)

2. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein the granules are angular or multi-facet granules.

3. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein the granules have smooth surfaces.

4. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein the granules are substantially free from dust.

5. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein substantially all of the granules are in the size range of 0.5mm to 10mm.

6. (Previously Presented) A construction material according to claim 5, wherein substantially all of the granules are in the size range from 1mm to 4mm.

7. (Currently Amended) A construction material ~~for use as, or in a wearing course, which comprises an agglomerate of granules of a thermoplastic elastomer according to~~ claim 12, wherein the thermoplastic elastomer is a styrene block copolymer.

8. (Cancelled)

9. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein the thermoplastic elastomer is one or more of:

5 a styrene-butadiene-styrene (SBS) block co-polymer,
a styrene-isoprene-styrene (SIS) block copolymer,
a styrene-ethylene-butadiene-styrene (SEBS) block copolymer.

10. (Cancelled)

11. (Currently Amended) A construction material according to ~~claim 1~~ claim 12, wherein the which includes a pigment.

12. (Currently Amended) A construction material ~~of claim 1, for use as, or in, a wearing course, which comprises an agglomerate of granules of a thermoplastic elastomer, wherein the~~ granules are agglomerated together by means of a binder, and said thermoplastic elastomer comprises a styrene block copolymer.

13. (Previously Presented) A construction material according to claim 12, wherein the binder substantially fills the interstices between the granules.

14. (Currently Amended) A construction material, ~~according to claim 1, for use as, or in, a wearing course, which comprises an agglomerate of granules of a thermoplastic elastomer, wherein the granules are agglomerated together by~~ 5 having been melded together, and said thermoplastic elastomer comprises a styrene block copolymer.

15. (Currently Amended) A granular thermoplastic elastomer suitable for use in the construction material, according to ~~claim 1~~ claim 12, wherein the granules of thermoplastic elastomer are angular or multi-facet granules.

16. (Cancelled)

17. (Currently Amended) A composition suitable for the preparation of a construction material as claimed in ~~claim 1~~ claim 12, the composition comprising:

- (a) a first component comprising a granular thermoplastic elastomer; and
- 5 (b) a second component comprising a binding agent for the granules.

18. (Original) A composition according to claim 17, wherein the binding agent is a polyurethane binder.

19. (Cancelled)

20. (Currently Amended) A wearing course according to ~~claim 19~~ claim 21, which has a thickness in the range ~~1cm to 10cm, especially~~ 2cm to 6cm.

21. (Currently Amended) A wearing course according to ~~claim 19~~, comprising a laid layer of a construction material comprising an agglomerate of granules of a thermoplastic elastomer, said thermoplastic elastomer comprises a styrene block copolymer, wherein the and said construction material has been compacted after laying.

22. (Currently Amended) A wearing course according to ~~claim 19~~ claim 21, which has been laid in direct contact with the ground.

23. (Currently Amended) A wearing course according to claim [[19]] 25, wherein said layer is supported by an underlying bulk layer.

24. (Cancelled)

25. (Currently Amended) A wearing course according to ~~claim 24~~, wherein the granules of rubber have been comprising a laid layer of a construction material and a bulk layer supporting the laid layer, said construction material comprises an agglomerate of granules of a thermoplastic elastomer comprising a styrene block copolymer, and said bulk layer comprises rubber granules agglomerated by means of a binder.

26. (Currently Amended) A wearing course according to ~~claim 23~~ claim 25, wherein the bulk layer has a thickness of up to 10cm, especially from 2cm to 6cm.

27. (New) A construction material according to claim 14, wherein the granules are angular or multi-facet granules.

28. (New) A construction material according to claim 14, wherein the granules have smooth surfaces.

29. (New) A construction material according to claim 14, wherein the granules are substantially free from dust.

30. (New) A construction material according to claim 14, wherein substantially all of the granules are in the size range of 0.5mm to 10mm.

31. (New) A construction material according to claim 30, wherein substantially all of the granules are in the size range from 1mm to 4mm.

32. (New) A construction material according to claim 14, wherein the thermoplastic elastomer is a styrene block copolymer.

33. (New) A construction material according to claim 14, wherein the thermoplastic elastomer is one or more of:
a styrene-butadiene-styrene (SBS) block co-polymer,
a styrene-isoprene-styrene (SIS) block copolymer,
a styrene-ethylene-butadiene-styrene (SEBS) block copolymer.

34. (New) A construction material according to claim 14, which includes a pigment.